

COMMISSION OF THE EUROPEAN COMMUNITIES

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COMMISSION COMMUNICATION TO THE COUNCIL CONCERNING THE NEGOTIATIONS BETWEEN THE EEC AND THE ACP STATES

Transitional measures to be implemented after 31 January 1975

Draft

EEC-AASM COUNCIL OF ASSOCIATION DECISION

on transitional measures to be applied after 31 January 1975

Draft

DECISION OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES OF THE EUROPEAN COAL AND STEEL COMMUNITY, MEETING IN THE COUNCIL

opening tariff preferences for the products covered by that Community
and originating in the associated African States and Madagascar

(.../.../ECSC)

Draft

DECISION OF THE EEC-ESTAF ASSOCIATION COUNCIL

on the transitional measures to be applied after 31 January 1975

Draft

DECISION OF THE COUNCIL OF THE EUROPEAN COMMUNITIES

on the transitional measures to be applied after 31 January 1975
to the associated overseas countries and territories

Draft

COUNCIL DECISION

on maintaining the provisions of Title III, Chapter II,
and of Title IV of Part IV of the Act concerning the conditions
of accession and the adjustments to the Treaties

Draft

JOINT ACT OF THE CONTRACTING PARTIES

on the setting up of an interim EEC-ACP Committee

(submitted to the Council by the Commission)

NEGOTIATIONS BETWEEN THE EEC AND THE ACP STATES

Transitional measures to be implemented after 31 January 1975

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(Commission Communication to the Council)

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NEGOTIATIONS BETWEEN THE EEC AND THE ACP
TRANSITIONAL MEASURES TO BE IMPLEMENTED AFTER 31 JANUARY 1975¹

1. INTRODUCTION

Pending the entry into force of the future EEC-ACP Convention, it is necessary for transitional measures to be introduced from 1 February 1975, the day following the date of expiry of the Yaoundé Convention, the Arusha Agreement and the status quo arrangements provided for in the Treaty of Accession.

These measures are to cover the Community's relations with :

- i. the AASM (Yaoundé Convention, Article 62);
- ii. the East African States (Arusha Agreement, Article 36);
- iii. the other countries referred to in Protocol No 22 (Treaty of Accession, Article 115(3));
- iv. the OCT (Council Decision of 29 September 1970 (70/549/EEC) Article 39);
- v. the dependencies (Treaty of Accession, Article 119(3));
- vi. certain associable third countries participating in the EEC-ACP negotiations.

The Commission considers that the best solution will be to apply certain provisions of the future EEC-ACP Convention in advance, especially in the trade sector. However, to this end even if the new EEC-ACP Convention is signed soon, a certain period will be necessary in order to take the measures required in respect of regulations and technical matters. The possibility of any gap as from 1 February 1975 will therefore have to be avoided. In these circumstances the Commission considers that it is necessary to have two successive transitional phases :

1. Upon the signature of the Convention the Contracting Parties should agree on the date from which certain provisions of the new Convention, to be specified in an interim agreement, will be applied in advance.
2. Between 1 February 1975 and the date referred to above, status quo arrangements should be established for an initial transitional phase to extend certain provisions resulting from the arrangements in force on the basis of the legal instruments referred to above.

¹ The proposals contained in this paper also cover relations with the OCT and the dependencies.

No decision is called for in connection with the associable third countries participating in the negotiations, as they will continue to be considered as third countries during the first phase.

II. STATUS QUO ARRANGEMENTS (first transitional phase)

1. AASM

1.1. Arrangements for imports into the EEC and the AASM

The provisions of the whole of Title I of the Yaoundé Convention, together with Protocols Nos 1 to 5, constituted the basis of the arrangements for trade between the partners. These provisions were supplemented by implementing measures decided on by the Council of Association, in particular as regards the definition of origin and the information and consultation system.

Despite the differences that clearly exist between these arrangements and what are to be the future ACP arrangements, the situation at 31 January 1975 will have to be maintained until the entry into force of the new provisions relating to the same fields.

Proposed solution

Provision should be made for a decision of the Council of Association extending for the duration of the first transitional phase the application of the whole of Title I of the Yaoundé Convention, Protocols Nos 1 to 5, Annexes II, X and XI, and the decisions taken by the Association Council necessary for the application of those provisions.

1.2. Financial and technical cooperation :

The relevant provisions contained in Title II of the Convention, in Protocols Nos 6 and 7 and in Annexes III, IV and XII could remain applicable beyond 31 January 1975.

No special decision is required for committing the balance of the third EDF in favour of the AASM; such commitment is provided for in the internal financial agreement governing that Fund.

As regards the EIB, the Community could - as it did during the period between the two Yaoundé Conventions - ask that body to carry on committing its own resources in favour of the AASM, provided that the ceiling of 90 million u.a. has not been reached by 31 January 1975, which is probable.

1.3. Other provisions

The provisions relating to the following would also be maintained in force beyond 31 January 1975 :

- i. establishment, services, payments and capital;
- ii. institutions;
- iii. certain general and final provisions;
- iv. the decisions adopted by the Council of Association for the purposes of implementing the provisions listed above.

See : draft decision of the EEC-AASM Council of Association relating to the provisions proposed in points 1.1., 1.2. and 1.3. above, which is contained in Annex I.

1.4. Unilateral measures relating to the agricultural products referred to in Article 2(2) of the Convention

It should be noted that the period of application of the regulations adopted by the Community in implementation of Article 2(2) and Protocol No 1 to the Yaoundé Convention is linked to the date of expiry of the latter, namely 31 January 1975.

Proposed solution

The Commission herewith submits to the Council of the European Communities the proposals necessary for fulfilling the commitments to be undertaken in respect of the products referred to in Article 2(2) of the Yaoundé Convention for the duration of the first transitional phase.

See : proposal for Council regulation in Annex II attached.

1.5. Arrangements for ECSC products

The Agreement relating to ECSC products, which was concluded between the Member States of the ECSC and the AASM at the same time as the Yaoundé Convention, will also expire on 31 January 1975. In that Agreement there is no express provision for extension. Such extension could be effected only by the conclusion of a new Agreement, which would have to be ratified by the Parliaments of the Member States. This solution is obviously out of the question. However, the Member States can take a unilateral decision to continue applying provisions which are equivalent to those of Article 1 of the Agreement (exemption from customs duties and charges having equivalent effect) for the duration of the transitional measures.

See : draft decision of the Member States in Annex III attached.

2. ESTAF

2.1. Arrangements for imports into the EEC and the East African States

The provisions of the whole of Title I of the Arusha Agreement, together with Protocols Nos 1 to 5, constituted the basis of the arrangements for trade between the partners. These provisions were supplemented by implementing measures decided on by the Association Council, in particular as regards the definition of origin.

Despite the differences that clearly exist between these arrangements and what are to be the future ACP arrangements, the situation at 31 January 1975 will have to be maintained until the entry into force of the new provisions relating to the same fields.

Proposed solution

Provision should be made for a decision of the Association Council extending for the duration of the first transitional phase the application of the whole of Title I of the Arusha Agreement, Protocols Nos 1 to 5, Annexes I, II, III, V and VI, and the decisions taken by the Association Council necessary for the application of those provisions.

2.2. Other provisions

In addition, the provisions relating to the following can be extended from 31 January 1975 :

- i. establishment and services;
- ii. payments and capital;
- iii. institutions;
- iv. certain general and final provisions;
- v. the decisions adopted by the Association Council for the purposes of implementing the provisions listed above.

See : draft decision of the EEC-ESTAF Association Council in Annex IV attached relating to the proposals made in points 2.1. and 2.2. above.

2.3. Agricultural products

Unilateral measures relating to the agricultural products referred to in Article 2(1) of the Agreement : it should be noted that the period of application of the regulations adopted by the Community in implementation of Article 2(2) of the Agreement is linked to the date of expiry of the latter.

Proposed solution

The Commission herewith submits to the Council of the European Communities the proposals necessary for fulfilling the commitments to be undertaken in respect of these products for the duration of the first transitional phase.

See : proposal for Council regulation in Annex II attached.

3. OCT

By a decision of the Council of the European Communities, Titles I to III, Article 38 and the annexes to the Council Decision of 29 September 1970 may be extended until the date of entry into force of the provisions to be adopted by the Council to lead on from those of the said Decision; this date will coincide with that on which certain provisions of the EEC-ACP Convention are put into force in advance.

See : draft decision of the Council of the European Communities in Annex V attached.

As regards the agricultural products referred to in Article 2(2) of the above Council Decision of 29 September 1970, the transitional measures are proposed in the context of the proposal for a Council regulation set out in Annex II attached.

4. Countries and territories referred to in Article 24 of the Act of Accession

5. States referred to in Article 109 of the Act of Accession

In accordance with Articles 115(3) and 119(3), the Council of the European Communities can take a decision to extend the status quo arrangements provided for in those Articles until the date of the advance entry into force of certain provisions of the EEC-ACP Convention¹.

See : draft decision of the Council of the European Communities in Annex VI attached.

¹ As regards the relations between the United Kingdom and the states, countries and territories referred to in paragraphs 4 and 5, it is for the United Kingdom to take any measures which prove necessary.

III. ADVANCE ENTRY INTO FORCE OF CERTAIN PROVISIONS OF THE EEC/ACP CONVENTION (second transitional phase)

1. ACP States

1.1. Interim Agreement

If the Contracting Parties agree to adopting the solution of an interim Agreement to implement in advance certain provisions of the EEC-ACP Convention (see Introduction, paragraph 1) at a date to be agreed and after an initial status quo phase, the Commission will put forward the appropriate proposals, covering in particular the field of trade, in sufficient time to the Council.

1.2. Other measures

The Commission considers that further transitional measures based on the future Convention should be adopted as soon as the future Convention has been signed; those measures would relate to the following areas :

A. Financial and technical cooperation

Transitional provisions will have to be adopted to enable preparations to be made, in agreement with the ACP States, for the implementation of the fourth EDF in favour of all the ACP States, in accordance with the rules, powers and procedures laid down in the texts of the Convention.

These provisions relate to the following¹:

(1) Programming

The relevant Community departments will be able, as soon as the new Convention and the implementing texts internal to the Community have been signed, to programme Community aid in conjunction with the relevant authorities of each ACP State.

The aid programmes in question could also be the subject, during the transitional phase, of discussions between the representatives of each ACP State and the representatives of the Community.

¹ Similar provisions were adopted in 1969, for preparations for the implementation of the third EDF, and brought to the notice of the AASM in a Community Declaration published in the minutes of the Negotiations.

(2) Submission of projects

The Community would agree to requests for the financing of projects and programmes from the fourth EDF or from the EIB's own resources being submitted as from the signature of the new Convention and its implementing texts.

(3) Project appraisal

The relevant departments of the Community institutions could, during the transitional phase, appraise the projects and programmes submitted in conjunction with the relevant ACP bodies.

These departments will take all necessary steps to prepare also, in so far as possible, the financing agreements and invitation to tender dossiers relating to those projects.

(4) Preparation of financing decisions

The Community bodies responsible for taking financing decisions could, during the transitional period, examine any projects or programmes in respect of which appraisal has been completed in the meantime. However, such projects or programmes cannot be definitively approved and financing decisions taken on them until after the entry into force of the new Convention.

B. Setting up of an Interim Committee

The Commission considers that further transitional measures designed inter alia to prepare for the implementation of the future Convention should moreover be adopted upon the signature thereof. To this end, the Community and the ACP States will be able to decide, through a joint act such as an exchange of letters, to set up an Interim Committee.

During the first transitional phase the Committee would deal with :

- i. the draft rules of procedure of the Association Council and Committee ;
- ii. the procedures for presenting the Convention to the GATT;
- iii. preparations for implementing the rules of origin, the system of stabilizing export earnings and industrial and trade cooperation.

During the second transitional period it will also be required to apply the provisions of the Convention which enter into force in advance and, in particular, will hold the exchanges of views and consultations specified in those provisions.

See : draft joint act of the Community and the ACP States in Annex VII attached.

2. OCT (including the countries and territories referred to in the Act of Accession, Article 24)

2.1. A decision of the Council of the European Communities will have to adopt provisions similar to those which are to be laid down in respect of the ACP States and which are referred to in paragraph 1.1. above. A Commission proposal in this connection will be presented to the Council at the appropriate time after the EEC-ACP Convention has been signed.

2.2. Once the EEC-ACP Convention has been signed, transitional provisions for financial and technical cooperation similar to those adopted in respect of the ACP States (see paragraph 1.2.A. above) can be adopted in respect of the OCT, enabling preparations to be made for implementing the fourth EDF.

IV. CONCLUSIONS

To sum up, the Commission proposes to establish transitional arrangements covering relations with all the ACP States and OCT and dependencies until the entry into force of the EEC-ACP Convention on the basis of the following provisions and decision procedures :

I. First transitional phase (from 1 February 1975 until the date of entry into force of the interim EEC-ACP Agreement) :

1. AASM

- i. Decision of the EEC-AASM Council of Association, extending the term of validity of certain provisions of the Yaoundé Convention (Annex I);
- ii. Regulation of the Council of the European Communities on agricultural products (Annex II);
- iii. Decision of the Member States of the ECSC extending the term of validity of certain provisions of the Agreement with the AASM on ECSC products (Annex III).

2. ESTAF

- i. Decision of the EEC-ESTAF Association Council extending the term of validity of certain provisions of the Arusha Agreement (Annex IV);
- ii. Agricultural products : Council Regulation on agricultural products (Annex II)

3. OCT

- i. Decision of the Council of the European Communities extending the term of validity of the provisions of the Decision of 29 September 1970 (Annex V);
- ii. Agricultural products : Council Regulation on agricultural products (Annex II).
- iii. ECSC products : Decision of the Member States (Annex III)

4. Countries and territories referred to in Article 24 of the Act of Accession

5. Commonwealth countries referred to in Article 109 of the Act of Accession

Decision of the Council of the European Communities extending the term of validity of the status quo arrangements laid down in the said Act. (Annex VI)

6. Other associable third countries taking part in the EEC-ACP negotiations : there is no provision for any decision, these countries being treated as third countries during the first transitional phase.

II. Second transitional phase (until the entry into force of the EEC-ACP Convention)

- i. Advance entry into force, on a date to be agreed, of certain provisions of the EEC-ACP Convention by means of an interim EEC-AASM Agreement, to be signed at the same time as the EEC-ACP Convention itself.

The content of this Agreement is to be agreed with the ACP States.
- ii. Setting up of an interim EEC- ACP Committee, to be provided for by a joint EEC-ACP act as soon as the Convention is signed : provided for in Annex VII.

In other words, the following acts are to be provided for :

I. Upon the date of signing the EEC-ACP Convention :

- i. interim EEC-ACP Agreement (to be drawn up);
- ii. joint EEC-ACP Act setting up an interim Committee (Annex VII).

II. Before 31 January 1975 : status quo measures :

- i. Decision of the EEC-AASM Council of Association (Annex I);
- ii. Decision of the EEC-ESTAF Association Council (Annex IV);
- iii. Council Decisions on :

agricultural regulations (Annex II);
the Agreement between the Member States and the AASM on ECSC products (Annex III);
extension of the term of validity of the status quo arrangements laid down in the Act of Accession (Annex VI).

III. Before the entry into force of the interim EEC-ACP Agreement :

Council Decision applying to all the OCT (associated and dependencies) provisions similar to those in the trade part of the said interim Agreement, to be drawn up at the appropriate time.

Draft

EEC-AASM COUNCIL OF ASSOCIATION DECISION
ON TRANSITIONAL MEASURES TO BE APPLIED
AFTER 31 JANUARY 1975

THE COUNCIL OF ASSOCIATION,

Having regard to the Convention of Association signed at Yaoundé on 29 July 1969, and in particular Article 62(2) thereof;

Desirous of ensuring the continuity of the Association until the entry into force of the EEC-ACP Convention,

HAS DECIDED :

Article 1

The following shall remain applicable beyond 31 January 1975 :

- (1) the provisions relating to trade contained in Title I of the Convention, in Protocols Nos 1 to 5 thereto and in Annexes II, X and XI;
- (2) the provisions relating to financial and technical cooperation contained in Title II of the Convention, in Protocols Nos 6 and 7 thereto and in Annexes III, IV and XII;
- (3) the provisions relating to establishment, services, payments and capital movements contained in Title III of the Convention and in Annexes V and VI;

- (4) the provisions relating to institutions contained in Title IV of the Convention, in Protocols Nos 8 and 10 thereto and in Annexes VIII and IX;
- (5) the general and final provisions contained in Articles 56, 57, 60, 62(2), 64, 65 and 66 of Title V, in Protocol No 9 and in Annexes VII, XIII and XIV;
- (6) the decisions adopted by the Council of Association for the purpose of implementing the provisions referred to above.

Article 2

This Decision shall apply until the entry into force of the new provisions relating to the same fields or until 30 June 1975, whichever is the earlier.

Article 3

The Associated States, the Member States and the Community shall, each respectively for its part, take the measures required for implementation of this Decision.

Article 4

This Decision shall enter into force on 1 February 1975.

Done at Brussels,

President of the Council of
Association

Draft

DECISION OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER
STATES OF THE EUROPEAN COAL AND STEEL COMMUNITY, MEETING IN THE
COUNCIL, OPENING TARIFF PREFERENCES FOR THE PRODUCTS COVERED
BY THAT COMMUNITY AND ORIGINATING IN THE ASSOCIATED AFRICAN
STATES AND MADAGASCAR

(.../.../ECSC)

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES OF THE
EUROPEAN COAL AND STEEL COMMUNITY,

Whereas the Member States have concluded with each other the Treaty
establishing the European Coal and Steel Community;

Whereas the Agreement relating to ECSC products concluded between the
Member States of the ECSC and the AASM and the Agreement between the Member
States of the ECSC relating to trade with the OCT in ECSC products expire
on 31 January 1975;

Having regard to Decision No .../75 of the EEC-AASM Council of
Association and Council Decision No .../75 on transitional measures
to be implemented from 1 February 1975 in the relations with the AASM
and the OCT respectively;

Desiring to continue to apply, autonomously and concurrently, the
tariff suspensions agreed in the present Convention having regard to
the current negotiations for the renewal of that Convention;

In agreement with the Commission;

HAVE DECIDED :

Article 1

From 1 February 1975, the duties applicable in the Community as
originally constituted to imports of products covered by the
European Coal and Steel Community and originating in the AASM or
the OCT, or the levying of such duties, shall be suspended.

Article 2

The provisions laying down the rules of origin for the application of the Convention of Association between the European Economic Community as originally constituted and the AASM and for the implementation of Council Decision No 70/549 of 29 September 1970 on the Association of the OCT shall be applicable to the products referred to in this Decision.

Article 3

The Member States shall decide by mutual agreement on any safeguard measures suggested by one or more Member States or by the Commission.

Article 4

This Decision shall expire at the same time as the transitional measures provided for in Decision No .../75 of the EEC-AASM Council of Association and in Council Decision No .../75 as regards the Association of the OCT.

Article 5

The Member States shall take all the measures necessary for the implementation of this Decision.

Done at Brussels,

The President

Draft

DECISION OF THE EEC-ESTAF ASSOCIATION
COUNCIL ON THE TRANSITIONAL MEASURES TO
BE APPLIED AFTER 31 JANUARY 1975

THE ASSOCIATION COUNCIL,

Having regard to the Association Agreement signed at Arusha on
24 September 1969, and in particular Article 36(2) thereof;

Desiring to ensure the continuity of the Association until the
entry into force of the EEC-ACP Convention;

HAS DECIDED :

Article 1

The following shall remain applicable beyond 31 January 1975 :

- (1) the provisions relating to trade contained in Title I of the Agreement, in Protocols Nos 1 to 5 thereto and in Annexes I, II, III, V and VI;
- (2) the provisions relating to establishment and services contained in Title II of the Agreement;
- (3) the provisions relating to payments and capital movements contained in Title III and in Annex VI to the Agreement;
- (4) the provisions relating to institutions contained in Title IV and in Annex IV to the Agreement;
- (5) the general and final provisions in Articles 30, 31, 32, 35(2), 36, 37 and 38 and in Annexes VIII and IX;
- (6) the decisions adopted by the Association Council for the purposes of implementing the provisions referred to above.

Article 2

This Decision shall apply until the entry into force of the new provisions relating to the same fields or until 30 June 1975, whichever is the earlier.

Article 3

The Associated States, the Member States and the Community shall, each respectively for its part, take the measures required for the implementation of this Decision.

Article 4

This Decision shall enter into force on 1 February 1975.

Done at Brussels, ...

President of the
Association Council

Draft

DECISION OF THE COUNCIL OF THE EUROPEAN COMMUNITIES ON THE
TRANSITIONAL MEASURES TO BE APPLIED AFTER 31 JANUARY 1975
TO THE ASSOCIATED OVERSEAS COUNTRIES AND TERRITORIES

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 136 thereof;

Whereas the Council Decision of 29 September 1970 on the Association of the OCT with the EEC expires on 31 January 1975;

Whereas the provisions which are to replace this Decision cannot enter into force until after that date;

Whereas pending the entry into force of these provisions, this Decision should be maintained in force provisionally;

HAS DECIDED :

Sole Article

The provisions of the Council Decision of 29 September 1970 on the Association of the OCT with the EEC and of its Annexes, and the arrangements for their implementation, shall remain applicable beyond 31 January 1975 until the entry into force of the provisions which are to replace this Decision or until 30 June 1975, whichever is the earlier.

Done at Brussels,

Draft

COUNCIL DECISION ON MAINTAINING THE PROVISIONS OF TITLE III, CHAPTER II,
AND OF TITLE IV OF PART IV OF THE ACT CONCERNING THE CONDITIONS OF
ACCESSION AND THE ADJUSTMENTS TO THE TREATIES

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to the Act concerning the Conditions of Accession and the Adjustments to the Treaties, and in particular Articles 115(3) and 119(3) thereof;

Having regard to the Opinion of the Commission,

Whereas the Council of Association, set up by the Convention of Association between the EEC and the AASM, signed in Yaoundé on 29 July 1969, and the Association Council set up the Association Agreement between the EEC and the East African countries, signed in Arusha on 24 September 1969, have implemented the transitional provisions laid down in Article 62 of that Convention of Association and in Article 36 of that Association Agreement,

HAS DECIDED :

Sole Article

The arrangements provided for in Articles 109 to 114 and Article 119 of the Act of Accession shall be maintained until the entry into force of the new provisions relating to the same fields or until 30 June 1975, whichever is the earlier.

Draft

JOINT ACT OF THE CONTRACTING PARTIES ON THE SETTING UP OF AN INTERIM
EEC-ACP COMMITTEE

A joint act of the Contracting Parties (or an exchange of letters) will deal with the setting up of an interim EEC-ACP Committee and could contain the following provisions :

1. The interim Committee shall be responsible for preparing the entry into force of the EEC-ACP Convention, and in particular :
 - i. the draft rules of procedure of the Association Council and Committee ;
 - ii. the procedures for presenting the Convention to the GATT;
 - iii. the rules of origin;
 - iv. the export earnings stabilization system;
 - v. industrial cooperation;
 - vi. trade cooperation.
2. It shall also be responsible for applying certain provisions of the Convention where they enter into force in advance of the Convention under the interim EEC-ACP Agreement, including the exchanges of views and consultations relating thereto.
3. It shall adopt its working procedures.
4. It shall begin to operate with effect from the date on which the EEC-ACP Convention is signed.

